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May 11, 2006

2005-57-6

#### VIA HAND DELIVERY

The Honorable Charles L.A. Terreni Executive Director S.C. Public Service Commission 101 Executive Center Drive, Suite 100 Columbia, South Carolina 29210

RE: NuVox Communications, Inc., and Xspedius Communications, L.L.C. vs. Public

Service Commission of South Carolina, et al. Civil Action Number: 05-cv-3122-MBS

Dear Mr. Terreni:

Please find enclosed the original and a copy of the Supplemental Instructions to Clerk for filing on behalf of Defendants BellSouth Communications, Inc.

By copy of this letter, I am hereby serving all parties of record.

Please stamp the copy as "received" return it to my courier.

Sincerely,

J. Preston Strom, Jr.

#### **Enclosures**

cc: Patrick Turner, Esquire
Sean A. Lev, Esquire
John J. Pringle, Esquire
John J. Heitmas, Esquire
Stephanie A. Joyce, Esquire
Florence Belser, Esquire

### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

NUVOX COMMUNICATIONS, INC.

and

XPEDIUS COMMUNICATIONS, LLC,

Plaintiffs,

v.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA, et al.,

Defendants.

Case 3:05-cv-3122-MBS

## SUPPLEMENTAL INSTRUCTIONS TO CLERK

Defendant BellSouth Telecommunications, Inc., as proposed in the amended Joint Rule 26(f) Report filed by the parties on March 24, 2006, hereby submits these Instructions to the Clerk of the Public Service Commission of South Carolina to request that relevant portions of the record in the proceedings below be forwarded to this Court.

Defendants request that the Clerk forward the following documents:

## Docket No. 2004-42-C (Original Joint Petition for Arbitration)

BellSouth's Response to Petition (169606) (Mar. 8, 2004)

# Docket No. 2004-316-C (Generic Change of Law Proceeding)

Joint Petitioners' Motion to Dismiss or Hold in Abeyance (172176) (Dec. 6, 2004)

BellSouth's Response to JP's Motion to Dismiss or Hold in Abeyance (17229I) (Dec. 17, 2004)

BellSouth's Notice of Submission (172748) (Feb. 14, 2005)

Joint Petitioners' Proposed Order Granting Petition for Emergency Relief and Brief (173043) (Mar. 8, 2005)

Transcript of Oral Argument (Mar. 10, 2005)

DeltaCom's Petition for Rehearing (175195) (Aug. 15, 2005)

BellSouth's Response to DeltaCom's Petition for Rehearing (175264) (Aug. 19, 2005)

Joint Petitioners' Petition for Rehearing (175475) (Aug. 29, 2005)

BellSouth's Response to Joint Petitioners' Petition for Rehearing (175555) (Sept. 6, 2005)

Joint Petitioners' Notice of Appeal (176687) (Nov. 8, 2005)

Order on Change of Law Issues (2006-136) (Mar. 10, 2006)

Directive Granting BellSouth's Motion for Clarification of Order (178775) (Apr. 4, 2006)

#### Docket No. 2005-57-C (Joint Petition for Arbitration)

BellSouth's Response to Petition (173434) (Apr. 5, 2005)

Transcript of Hearing, including Prefiled Testimony and Exhibits of All Witnesses (June 1, 2006)

Order Granting Motion to Strike Testimony (2005-387) (July 20, 2005)

Order Granting Extension (2005-409) (July 25, 2005)

Order Granting Request to Modify Ruling (2005-434) (August 18, 2005)

Order Amending Arbitration Plan (2005-700) (October 6, 2005)

Order Denying Motion to Overrule and Advising the Parties as to Admissibility of Certain Testimony (2006-19) (January 12, 2006)

## Respectfully submitted,

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Of Counsel

# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

NUVOX COMMUNICATIONS, INC.

and

XPEDIUS COMMUNICATIONS, LLC,

Plaintiffs,

v.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA, et al.,

Defendants.

Case 3:05-cv-3122-MBS

CERTIFICATE OF SERVICE

I, Denise Blount, employee of Strom Law Firm, P.A., hereby certify that I have served a true copy of the foregoing document by delivering a copy to the following counsel/parties listed below on the <u>11th</u> day of <u>May</u>, 2006, by first class to:

John J. Pringle, Jr., Esquire Ellis Lawhorne & Sims, P.A. Post Office Box 2285 Columbia, South Carolina 29202

John J. Heitmann, Esquire Stephanie A. Joyce, Esquire Kelly, Drye & Warren, L.L.P. 1200 19<sup>th</sup> Street, N.W., Suite 500 Washington, D.C. 20036

Counsel for NuVox Communications, Inc., and Xspedius Communications, Inc.

Florence Belser Post Office Box 11263 Columbia, South Carolina 29211 Counsel for Office of Regulatory Staff

Denise W. Blount

May 11, 2006

Columbia, South Carolina